



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 18, 1998

Ms. Sandra C. Joseph
Open Records Counsel/Disclosure Officer
Comptroller of Public Accounts
111 E. 17th Street, LBJ State Bldg.
Austin, Texas 78774-0100

OR98-0482

Dear Ms. Joseph:

You ask whether certain information is subject to required public disclosure under the Open Records Act ("act"), chapter 552 of the Government Code. Your request was assigned ID# 112611.

The Comptroller of Public Accounts (the "Comptroller") received a request for "any and all records detailing the expenditures made by the Second Court of Appeals between May 1, 1997 and Nov. 17, 1997." You ask whether the requested information is subject to the act. You have submitted a copy of the requested information for our review.

Information in the possession of a "governmental body" is generally available to the public. Gov't Code § 552.021. The act defines "governmental body" as, among other things, an "agency or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members." The Comptroller is a governmental body under the act. Tex. Const. Art. IV, § 2. However, the act's definition of "governmental body" states that the term governmental body does not include the judiciary. *Id.* § 552.003(1)(B). Because the requested information was submitted to the Comptroller by the Second Court of Appeals, you question whether the payment information is a Comptroller record, or a record of the judiciary.

The act defines public information as information that is collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business by a governmental body, or for a governmental body and the governmental body owns the information or has a right of access to it. *Id.* § 552.002. You explain that the requested information was entered into the Uniform Statewide Accounting System ("USAS") by the Court of Criminal Appeals. You state that "the Court is one of over 200 state agencies that is required to use USAS to keep track of its expenditure of public funds." We believe that the Comptroller collects the requested information under state law and in connection with the Comptroller's statutory functions. Thus, the requested

payment listings are records of the Comptroller. *See* Open Records Letter Nos. 97-2756 (1997), 97-2253 (1997). As such, the requested information is subject to disclosure under the act.

As you raise no exceptions to the required public disclosure of the information, we conclude that the Comptroller must release the requested information to the requestor.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael A. Pearle". The signature is fluid and cursive, with the first name "Michael" and last name "Pearle" clearly distinguishable.

Michael A. Pearle
Assistant Attorney General
Open Records Division

MAP/ch

Ref.: ID# 112611

Enclosures: Submitted documents

cc: Mr. John Council
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(w/o enclosures)